

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

The State of Arkansas; The State of Missouri; The State of Iowa; The State of Nebraska; The State of North Dakota; The State of South Dakota;
A.F., a minor, by Sara Ford, her mother,

Plaintiffs,

v.

United States Department of Education; Miguel Cardona, in his official capacity as Secretary of the United States Department of Education;
Catherine E. Lhamon, in her official capacity as Assistant Secretary for Civil Rights at the United States Department of Education; **United States Department of Justice; Merrick Garland**, in his official capacity as Attorney General of the United States, **Kristen Clarke**, in her official capacity as Assistant Attorney General for the Civil Rights Division of the United States Department of Justice.

Defendants.

Case No.: 4:24-cv-00636-RWS

**DECLARATION OF A.F.
IN SUPPORT OF PLAINTIFFS'
MOTION FOR STAY AND
PRELIMINARY INJUNCTION**

I, A.F., under penalty of perjury, declare as follows:

1. I am a 15-year-old resident of Jonesboro, Arkansas, in Craighead County, and have personal knowledge of the information below.

2. I am a 10th-grade student and athlete at Brookland High School in Brookland, Arkansas, where I compete on the girls' basketball team.

Athletic Experience

3. Both of my parents were multi-sport athletes: my mom played tennis and volleyball, and my dad played baseball and golf. Both of my siblings are also talented athletes and competed in high school sports.

4. Sports have always been my world. Dad would play ball with my siblings and me from as early as I can remember. Though I loved playing different sports with my family growing up, basketball was my favorite. As a small child, I remember spending hours playing with our Little Tykes basketball set in our driveway.

5. When I reached kindergarten, I started playing organized sports. My parents signed me up for our town's youth recreational league called City Stars. I played basketball with City Stars from kindergarten through second grade.

6. In second grade, I started playing intermural basketball at Brookland Elementary School. I have continued to play on my school's girls' basketball team each school year from second grade to the present. I currently compete on my school's senior high girls' basketball team.

7. In basketball, there are five girls per team (ten total) on the court at any given time.

8. And those five girls play one of these three positions:

- a. a point guard;
- b. shooting guard;
- c. two forwards;

d. and a center.

9. I play forward for my team, but I can play any position. Sometimes I guard, which requires shooting and handling the ball well. Sometimes I play low under the basket, which involves using body weight to gain a position on the floor.

10. Positions on the girls' basketball team are limited by a girl's capabilities demonstrated during tryouts. There are typically more than five girls on a given basketball team.

11. The five starting positions on the court are highly coveted and competitive.

12. Basketball season generally runs from November through March and ends with a state tournament. Even though there is an off-season, practice and training are year-round; it never stops. It's a very active sport and keeps me in shape with the constant running.

13. But I love it! I love the adrenaline rush and fast pace. I love the satisfaction of making a shot or stealing the basketball. And, most of all, I love to win.

14. I intend to keep competing in basketball throughout high school.

15. But basketball is not the only sport I have played. In fifth grade, my mom asked me to try volleyball—in part, because it involves less physical contact than basketball.

16. I have played school volleyball every year since fifth grade. This last season I was on Brookland High School's girls' senior high volleyball team. I decided to stop playing volleyball next season to commit more time to basketball.

17. In volleyball, there are six girls per team (twelve total) on the court at a given time. Just like in basketball, those initial starting positions are highly coveted and competitive.

18. My volleyball and basketball teams have played well and were successful this year. For example, this year my volleyball team won the state championship.

And my basketball team made it to the top 12 in the state this year. Being on a state championship team is physically demanding and shows how competitive I am in sports.

19. I enjoyed a close team bond with my volleyball teammates.

20. Being an athlete takes sacrifice. I have had early morning practices before school and missed an entire week of school to compete in a state championship. I lose sleep. I sacrifice my evenings and time to hang out with my friends or have dinner with my family. I forgo family vacations because I'm invested in bettering my athletic skills at summer sports camps. I even had to quit my involvement with the choir because the choir and my sports began to conflict.

21. Sports has played an important role in my life. As a Type-1 diabetic, sports allow me to exercise and keep my body healthy. It has taught me how to work hard and persevere. It has taught me how to set goals and put in the work to achieve them. It has taught me people skills, such as how to be a leader and communicate well with others. It has helped me grow in self-confidence. It has opened opportunities that I never imagined, such as singing the national anthem at basketball games or local college events.

22. I am eager to see what doors sports continue to open for me.

Males Competing in Girls' Sports

23. Allowing males who identify as girls to compete in girls' sports is unfair. A few years ago, I started hearing about this becoming an issue. And then I heard more about girls losing athletic opportunities from middle school to the Olympics.

24. Males have physical advantages over females. For example, they are generally taller, larger, stronger, and faster. Their height makes it easier for them to shoot goals or spike balls. Their larger frame means they can block and defend more effectively. Their upper body strength means they can hit or throw the ball

harder and faster. Their speed means they can get to the ball or run down the court more quickly. They have more endurance than girls.

25. I recently saw an example of a boy playing on a girls' volleyball team and he spiked a ball into her face, giving her a concussion.¹ I fear that if males are allowed to compete in women's sports in Arkansas, that could happen to me. I signed up to play sports for fun, not to be subject to more injuries.

26. I can see the difference in athletic performance between boys and girls. And this is something I have noticed for years.

27. Even in junior high, I observed that the boys' basketball team played more roughly, more aggressively, and less cooperatively. My girls' basketball team was a little more laid back, shared the ball more, and worked together more cohesively.

28. And having played against my brother and other boys growing up, I do not think I could adequately compete against most males in most sports. For example, my senior high basketball team (that covers 10th–12th grade) has scrimmaged against the junior high basketball team (8th–9th grade) because we are closer to their skill level. It is simply not a fair competition when I have competed against boys, and I don't think our basketball team could consistently win if we competed against males.

29. Basketball is a rough contact sport. It is common to see girls get knee and ankle injuries. The risk of injury, plus the constant running, means that basketball is a sport that few girls play.

30. I fear that if males start competing in girls' basketball, even fewer girls will want to try and that of those who try, more of them will get injured.

¹ Paulina Dedaj, *High school volleyball player says she suffered concussion after being injured by trans athlete, calls for ban*, Fox News (April 21, 2023), <https://www.foxnews.com/sports/high-school-volleyball-player-says-suffered-concussion-being-injured-trans-athlete-calls-ban>

31. I understand that Arkansas has a law that forbids men playing on women's sports team. I benefit from that law but fear if that law goes away, men will begin to compete on sports teams in Arkansas as they have done around the country.

32. I heard there was a male playing women's soccer at another school in my area. I worry that if Arkansas' law no longer applies, I will be forced to compete against males in basketball.

33. Title IX means everything to me. I love sports. And the fact that Title IX was passed to give girls like me the opportunity to play sports at school—just like boys get to do—means so much to me. I can't imagine what life would be like without those opportunities.

34. I am proud of my state for standing up for women's rights and passing a law to protect female athletes from being forced to compete against males.

35. But I fear that the federal government's rewrite of Title IX will allow males to compete in girls' sports, will create unfair competition in girls' sports, and will cause girls like me to lose—especially in contact sports like basketball.

36. Males playing in girls' sports violates our rights as females to have fair play and not to be displaced by males. We should be able to play against other girls, and not be forced to compete against males with inherent biological advantages will lead to them injuring us.

37. If we girls lose our sports to males, I fear that it won't stop there. We could lose our scholarships and college opportunities to males too. I fear that girls might stop trying out for sports if they know they must compete against males.

Speaking Up for Women and Women's Sports

38. I have heard that this new Title IX rule will expose me to punishment for what I say or what I do not say.

39. I fear that the new rule will force me to speak and express ideas that I disagree with and that violate my religious beliefs. I also worry that I might be punished for expressing views I do agree with.

40. I am a Christian and I believe that God created everyone to be either male or female. As a part of those religious beliefs, I believe that everyone should be treated with dignity and respect, that people cannot and should not attempt to change their sex, and that people should seek to live consistent with their sex.

41. Based on those religious beliefs and biological reality, I believe there are only two sexes, that a boy can't become a girl, and that a girl cannot become a boy. To follow those beliefs, I only use pronouns of others consistent with their sex, not their gender identity, or I will be lying and communicating that it's ok and good for people to live contrary to their sex. So I will not use pronouns that contradict a person's sex when referring to other students or teachers. I do not want to be forced to lie about what I know is true and to violate my religious beliefs.

42. In the past, I have talked to my teammates and coaches about the importance of women's sports and the need to protect women's sports and explained that men who identify as women shouldn't be allowed to compete in women's sports. Because I am involved in a different lawsuit about women's sports, these topics have naturally come up as I have explained to my teammates and coaches my role in that lawsuit and how I am trying to step up to protect women's sports in Arkansas and across the country.

43. Before I learned of the new Title IX rule, I planned to continue advocating for women's opportunities in sports at my school. I believe it is unfair to let males compete on women's and girls' sports teams and that it's untrue to say male athletes are female just because they identify as female and want to compete on the girls' teams.

44. Before I learned of the new rule, I planned to continue speaking about this unfairness at school with my friends and others, whether in the lunchroom, in the halls, in class, or during our free time at school when the issue comes up. I also planned to explain in the future, as I have in the past, that male athletes who identify as females are in fact males and are taking away opportunities from women when they compete in women's sports.

45. But I have learned about the new Title IX rule change. I am now afraid that once this change goes into effect, I will be punished for expressing my views on women's sports and gender identity and for speaking consistent with my views.

46. Once the new rule goes into effect, I will be reluctant to be as vocal in expressing these views to others at my school. I don't want someone to turn me in for violating the new rule, and I'm afraid that someone might get offended and complain to the school and my school would punish me. So starting August 1, I will be more hesitant to keep speaking about these issues at school until I know for sure I won't be punished for them.

Males Accessing Private Spaces

47. I, of course, often use the girls' restrooms at my school during the day. At my school, girls are expected to use the girls' restroom, and boys use the boys' restroom.

48. But I don't want to use a locker room to change or use a restroom with a boy in there, even if that boy considers himself to be a girl. I understand there is an Arkansas law that forbids this, and I'm thankful. When I use the restroom or change my clothes in the locker room for a game, I want privacy from the opposite sex. I don't want to change in front of a boy or want a boy to change in front of me. I'd feel ashamed and embarrassed if that happened. In fact, to avoid that, I would likely change in a different room or another area to protect my privacy. I would do my best to avoid changing in the locker room or restroom.

49. The locker room at my school is mainly just a wide-open area in a room where those of us on the girls' sports team change in front of our lockers. We sometimes have to share individual lockers with our teammates too. There is no way to shield yourself from being seen. Teammates can see other teammates as they change clothes and get ready for the games. I understand that the new Title IX rule will allow a boy who considers himself to be a girl to be in that space with my teammates and me. That would cause me deep distress and embarrassment.

50. I also would not shower in our locker room with a man nearby. But it would make me feel extremely unsafe, anxious, and embarrassed to shower in the girl's locker room if males are allowed in. Knowing that boys aren't allowed in the girls' locker room, restroom, and shower area makes me feel more comfortable knowing that my privacy is protected. I understand that the new Title IX rule will allow a male who identifies as female to be in the girls' locker room. That would cause me serious distress and anxiety.

51. I feel the same about overnight trips, whether with my sports teams or for a field trip. My school sports teams participate in many overnight camps in the summer. And we often travel to different cities and stay 2-3 nights to play other teams. That's especially true once the playoffs start, and we have to travel to play teams further away. Since both my school volleyball and basketball teams made it to state championships this past year, we had to travel and stay overnight for about a week for each team championship. I expect my basketball team to be pretty good again this year.

52. I understand that the new Title IX rule will allow a male who identifies as female to share a room with me. I don't want to stay in the same room and sleep in the same room on these trips with a boy. When we go on these trips, I must change, shower, and get ready for the day. I'd feel very uncomfortable doing that while sharing a hotel room with a boy.

DECLARATION UNDER PENALTY OF PERJURY

I, A [REDACTED], a citizen of the United States and a resident of the State of Arkansas, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of May, 2024 at 4:00pm, CST.

A [REDACTED]

A.F.